



# **USACE LEGAL SERVICES WORKSHOP**

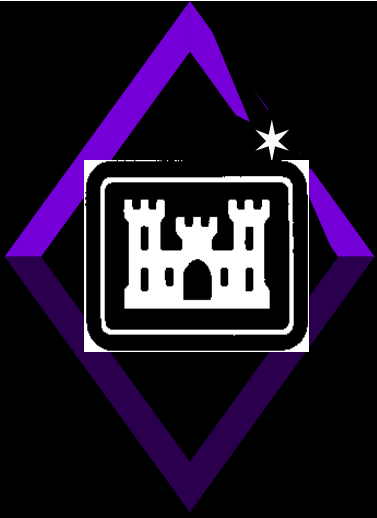
**CIVIL WORK PROJECTS DECISION DOCUMENTS  
POLICY COMPLIANCE REVIEW  
STEVE CONE - CECW-AR**



# ***INTRODUCTION/PURPOSE***

## ***Topics To Be Covered Include:***

- ◆ The Policy Review Organization
- ◆ Technical and Policy Review Guidance
- ◆ Requirements for Obtaining Policy Review
- ◆ Review Process and Products
- ◆ Scope of Review
- ◆ Common Problems in Review
- ◆ Policy Homepage



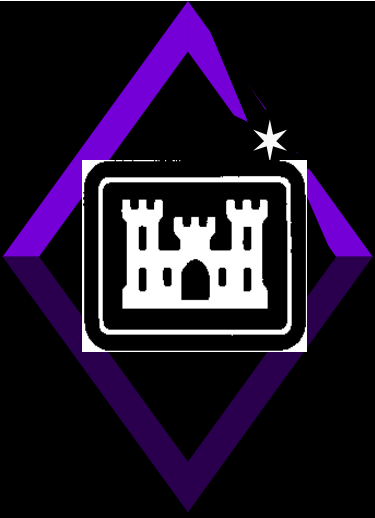
# ***THE POLICY REVIEW ORGANIZATION***

- ◆ **POLICY REVIEW BRANCH - CECW-AR**  
Policy Division, Directorate of Civil Works, HQUSACE
- ◆ **OFFICE OF MANAGEMENT AND REVIEW - CECW-AR-M**  
7 Review Managers manage review of NED type projects
- ◆ **OFFICE OF ENVIRONMENTAL POLICY - CECW-AR-E**  
4 Environmental Reviewers
- ◆ **PCA TEAM**  
2 Review Managers for PCA's and other agreements



# ***OTHER REVIEW STAFF***

- ◆ Office of Counsel - CECC-J, 2 Attorney's
- ◆ Engineering/Operations liaison, (1 civil engineer)
- ◆ Cost Engineering reviewer, (1 civil engineer)
- ◆ Real Estate - CERE-A, 5 Real Estate Attorney's (part time)
- ◆ Programs - CECW-B, 1 Budget/Programs liaison
- ◆ Other HQ staff
  - Planning/Economics.
  - Operations/Dredging.
  - Policy Guidance, on as needed basis.



# ***TECHNICAL & POLICY REVIEW GUIDANCE***

CECW-A Memo 14 Apr 95

\* EC 1165-2-203 \*

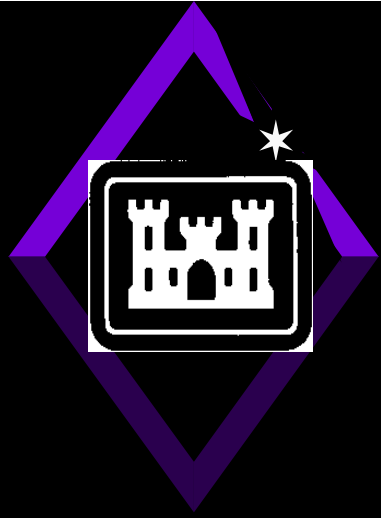
EC 1165-2-204

Appendix O to ER 1105-2-100



# DEFINITIONS

- ◆ Decision Documents
- ◆ Implementation Documents
- ◆ Quality Control Plan (QC)
- ◆ Quality Assurance Plan (QA)
- ◆ Technical Review (ITR)
- ◆ Technical Review Certification and Findings
- ◆ Policy Compliance Review



# ***DEFINITIONS***

## ***DECISION DOCUMENTS***

- A draft or final report with associated NEPA documentation for:
  - ◆ Obtaining authority (Draft/Final Feas, Report, GRR, LRR, PAC, MRR, DSAP, DDR, etc.)
  - ◆ Obtaining commitment of Federal Funds (Support and defend decisions, PCA)
  - ◆ Obtaining approval to spend or receive funds (water supply agreement, credit agreements, MOAs, FCSA, etc.)

***Reviewed at Washington Level unless delegated.***



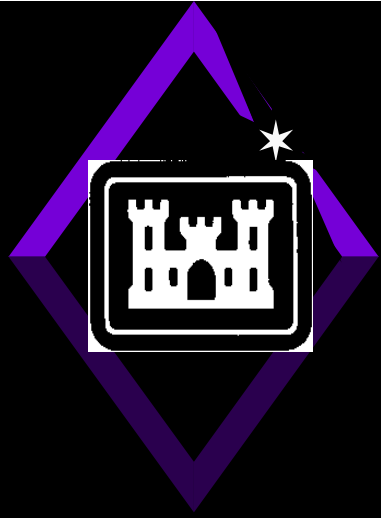
# ***DEFINITION***

## ***IMPLEMENTATION DOCUMENTS***

Prepared for purposes of implementing a project in accordance with authorization and decision document.  
(Ex. DM, FDM, P&S) Not normally reviewed at Washington level.

Note: If document used to support PCA, it is a decision document regardless of title





# ***DEFINITION***

## ***QUALITY CONTROL PLAN (QC)***

### **District Responsibility**

A written plan for each product/project which describes procedures that will be employed to insure compliance with all technical and policy requirements.

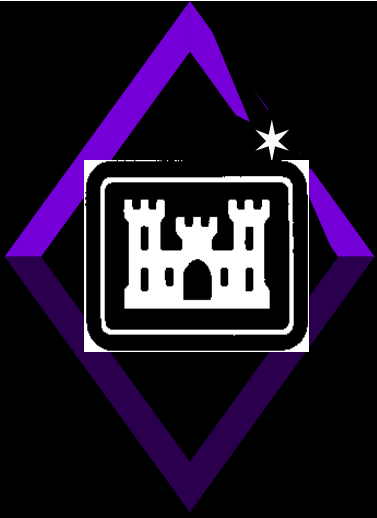
Part of PSP and PMP

COLUMBIA PICTURES CORPORATION

PRESENTS

# THE THREE STOOGES



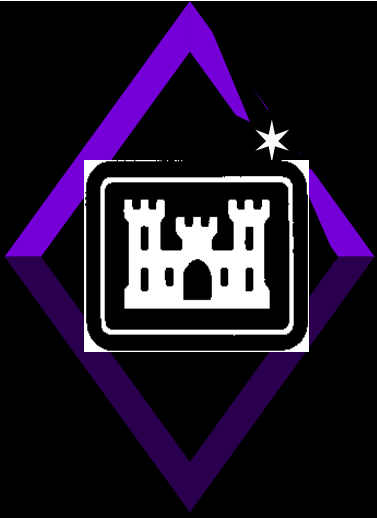


# ***DEFINITION***

## ***TECHNICAL REVIEW***

### **TECHNICAL REVIEW - District Responsibility**

The portion of QC process which confirms the proper selection and application of established criteria, regulations, laws, codes, principles, and professional procedures to ensure a quality product. Confirms the constructability and effectiveness of the product and the utilization of clearly justifies and valid assumptions that are in accordance with policy.

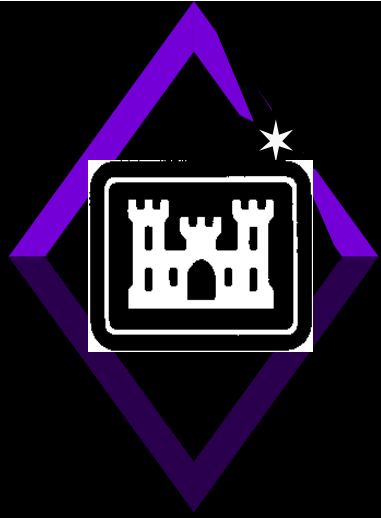


# ***DEFINITION TECHNICAL REVIEW CERTIFICATION AND FINDINGS***

A document which certifies that the technical (including legal) reviews have been accomplished and cites major issues raised and resolved.

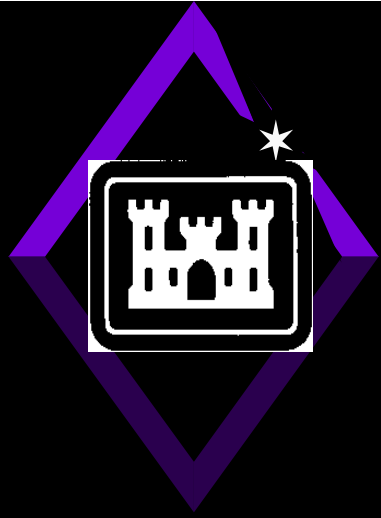
(Example certification in Appendix A of EC 1165-2-203)

NOTE: Documentation of Technical review is also to accompany the certification. Documentation is the written enumeration of comments, responses and resolution.



***DEFINITION***  
***POLICY COMPLIANCE REVIEW***  
***HQ Responsibility***

- ◆ Analysis of decision factors and assumptions used to determine the extent and nature of Federal interest, project cost sharing and cooperation requirements and related issues.
- ◆ Ensures uniform application of established policy, regulations, laws, codes, and procedures nationwide.



***DEFINITION***  
***POLICY COMPLIANCE REVIEW***  
***HQ Responsibility***  
***(Cont'd)***

- ◆ Identifies policy issues that must be resolved in the absence of clearly established criteria and guidance and where judgement plays a substantial role.
- Also see policy compliance review considerations in Appendix B of EC 1165-2-203.

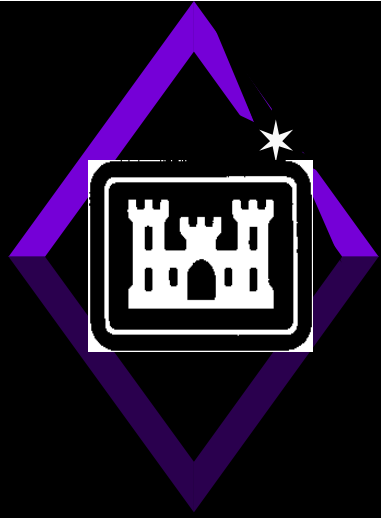


# ***DEFINITION***

## ***POLICY COMPLIANCE REVIEW***

**POLICY COMPLIANCE REVIEW - HQ Responsibility**

- ◆ Identifies policy issues that must be resolved in the absence clearly established criteria and guidance and where judgement plays a substantial role.
- ◆ Also see policy compliance review considerations in Appendix B of EC 1165-2-203.



# **ROLES AND RESPONSIBILITIES IN REVIEW**

- ◆ **Districts**
- ◆ **Divisions**
- ◆ **HQUSACE**
- ◆ **OASA(CW)**

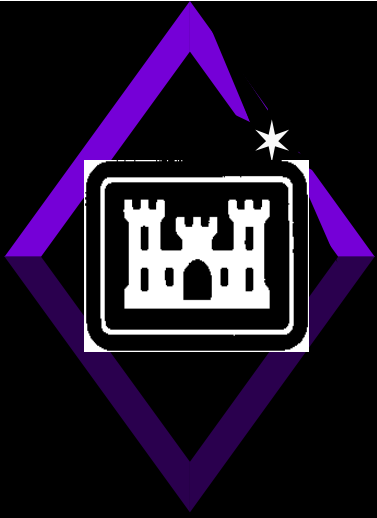




# ***ROLE AND RESPONSIBILITIES IN REVIEW***

## **DISTRICTS**

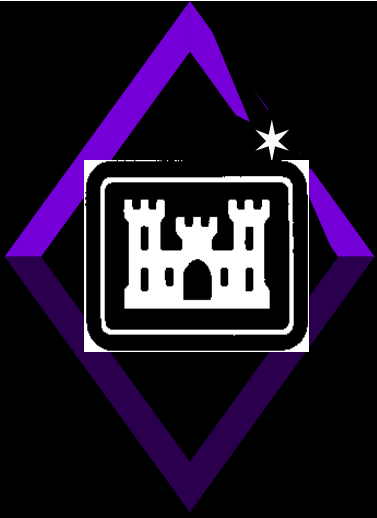
- ◆ Independent technical review (ITR) of decision documents and implementation documents. Various forms of ITR but must be separate from production of reports. Must document and certify technical review. Resolve Tech issues and seek MSC and HQ assistance as needed.



# ***ROLES AND RESPONSIBILITIES***

## **DIVISIONS (MSC)**

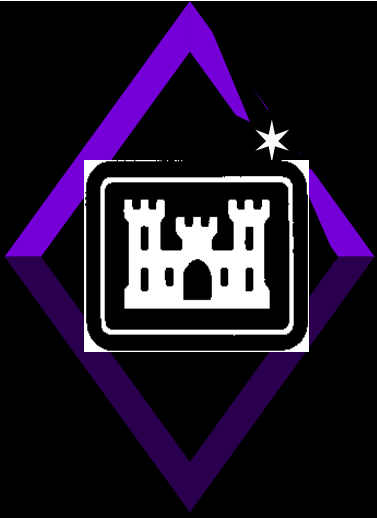
- ◆ Responsible for QA of technical QC.
- ◆ Assure appropriateness of QC plans for each project.



# ***ROLES AND RESPONSIBILITIES***

## **HQUSACE**

- ◆ QC role for Policy Compliance



# ***ROLES AND RESPONSIBILITIES***

## **HQUSACE**

- ◆ Policy Compliance Review Team
- ◆ Functional Program Managers



# ***ROLES AND RESPONSIBILITIES***

## ***Policy Compliance Review Team -***

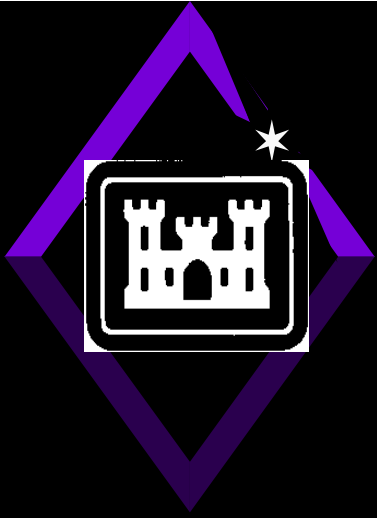
- ◆ Managed by CECW-AR
- ◆ Engineering Division (CECW-E)
- ◆ Programs Management Division (CECW-B)
- ◆ Real Estate Directorate (CERE)
- ◆ Office of the Chief Counsel (CECC)



# ***ROLES AND RESPONSIBILITIES***

## ***Function At Program Managers***

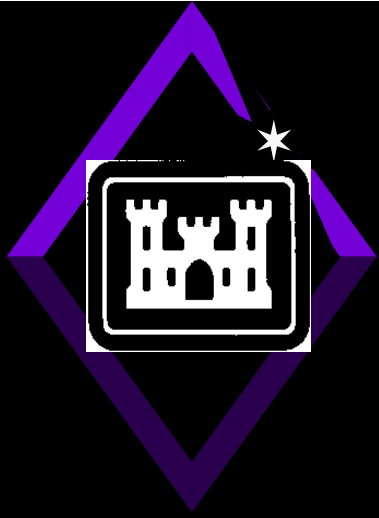
- ◆ **Planning Division (CECW-P)** - Responsible for reports prepared under GI program. Recon, Feas, GRR, etc. Facilitates meetings (FSM, AFB, FRC, etc), prepares PGMs, and completes processing actions for GI program decision documents.
- ◆ **Operations Division (CECW-O)** - Responsible for major rehabilitation program reports.
- ◆ **Engineering Division (CECW-E)** - Responsible for dam safety reports, design deficiency reports, and other predominately engineering decision documents.



# ***ROLES AND RESPONSIBILITIES***

## **OASA(CW)**

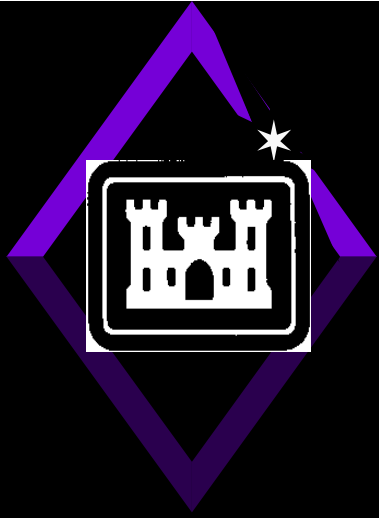
- ◆ Develops and articulates Administration policy goals
- ◆ QA role in Policy QC



# ***REQUIREMENTS FOR POLICY REVIEW***

- All decision documents (draft and final reports) must be accompanied by:
  - ◆ Transmittal letters to Functional Program Managers and Policy Review (CECW-AR).  
**Note: transmittal memo should state purpose of submittal .**
  - ◆ RGM, PGM, PSP and other guidance memos as appropriate.
  - ◆ Documentation and certification of technical and legal review.





# ***REQUIREMENTS FOR POLICY REVIEW (Cont'd)***

- ◆ PGM Compliance document (applicable to final reports and draft reports following AFB).
- ◆ MCACES summary and detail pages.
- ◆ Draft reports including NEPA document and all appendices (Eng. REP, etc.) 10 copies.
- ◆ Final Reports - 15 copies.
- ◆ Final Reports also require DE notice, mailing lists, fact sheet, draft COE report, map, slides, etc.



# **REVIEW PROCESS AND PRODUCTS**

**Objective of Review Comments Are to Add Value  
to  
Decisionmaking Process**

**Value May Be Added By:**

Identification of error/ flaw in failure to follow proper procedures, analysis, recommendations which have material effect on plan components, scope, scale, cost-sharing, items of local coop, ability to budget, obtain authorization, etc.

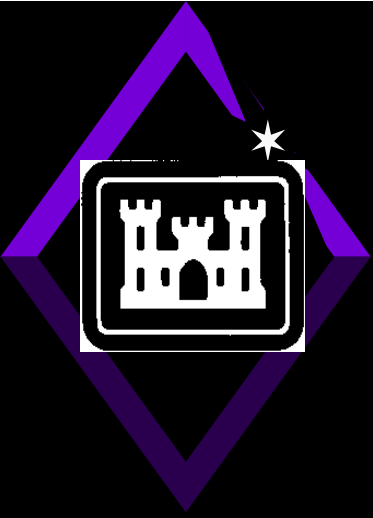


# **REVIEW PROCESS AND PRODUCTS (Cont'd)**

**Objective of Review Comments are to Add Value  
to decisionmaking process.**

**Value may be added by:**

- ◆ Identification of policy/analysis/procedural errors which, though not fatal to report/project at hand, should not be repeated in future reports.**
- ◆ Create Opportunity to build support at higher levels of review (ASA, OMB).**



# GUIDELINES FOR REVIEW COMMENTS

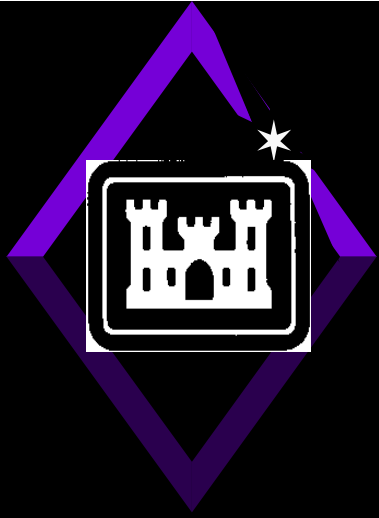
## 4 Principle Elements

- ◆ Statement of the Concern
- ◆ Basis of the Concern
- ◆ Significance of the Concern
- ◆ Action Needed to Resolve the Concern



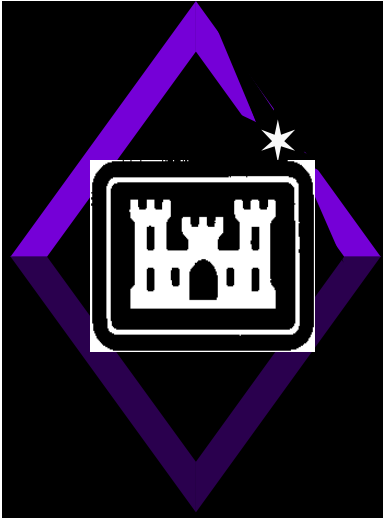
# **BUILDING A RECORD OF REVIEW**

- ◆ Build and maintain a record of review, responses, actions taken and resolution of issues.
- ◆ This is done usually through PGM process.
- ◆ It culminates in final review documentation presented to HQ functional program manager and accompanies reports submitted to decision makers (ASA, COE, DCW).



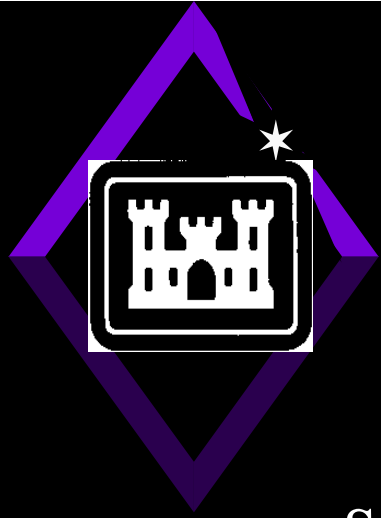
# **PROCEDURES AND INTERACTION WITH FUNCTIONAL PROGRAM MANAGERS**

- ◆ **CECW-AR's principle customer is the HQ Function program manager (CECW-P/E/O).**
- ◆ **For CECW-P reports, comments and assessments furnished to CECW-P for coordination with field and IRC's.**



## **PROCEDURES AND INTERACTION WITH FUNCTIONAL PROGRAM MANAGERS (Cont'd)**

- For CECW-O and CECW-E reports, CECW-A usually works directly with field on comments, responses and revisions and upon resolution of all issues, CECW-A provides completed reports and review documentation to the HQ functional program manager for further processing.



# ***FINAL FEASIBILITY REPORTS***

- ◆ Submittal Requirements - Reference
  - EC 1165-2-203, paragraph 8.d.
- ◆ Processes
  - + S&A Review and NEPA filing
    - CECW-A prepares and circulates proposed reports of the COE for S&A review and prepares filing letters for NEPA documents

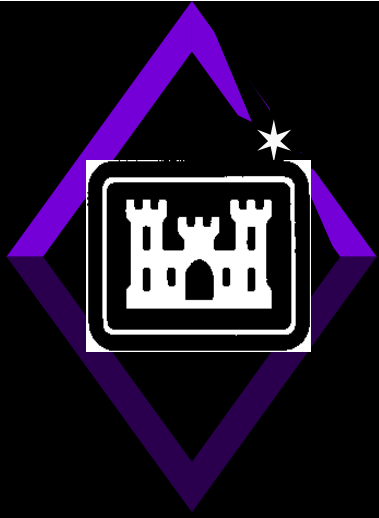




# **FINAL FEASIBILITY REPORTS**

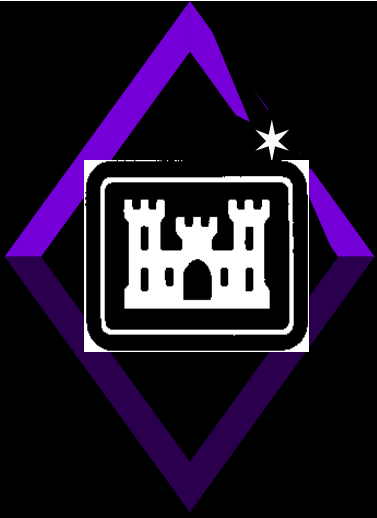
## **(Cont'd)**

- ◆ Prepare Policy Compliance Review Assessment.
- ◆ Focus on compliance with PGM. Also on new information/changes in report not seen in prior drafts.
- ◆ District/Division respond to assessment.
- ◆ Final Information Package - See EC 1165-2-203 .



# FINAL FEASIBILITY REPORT PACKAGE

- ◆ Summary of Report
- ◆ Review Documentation
  - Technical
  - Policy
- ◆ Correspondence received from S&A review and responses



# **FINAL FEASIBILITY REPORT PACKAGE (Cont'd)**

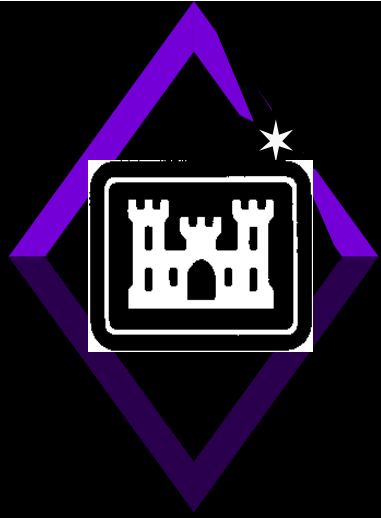
- ◆ Correspondence received from S&A review and responses
- ◆ Feasibility Report and supporting documents (Addendums)
- ◆ Final Draft Report of Chief of Engineers
- ◆ Follow-up Actions - May include briefings for ASA(CW) and OMB



# REVIEW TARGETS

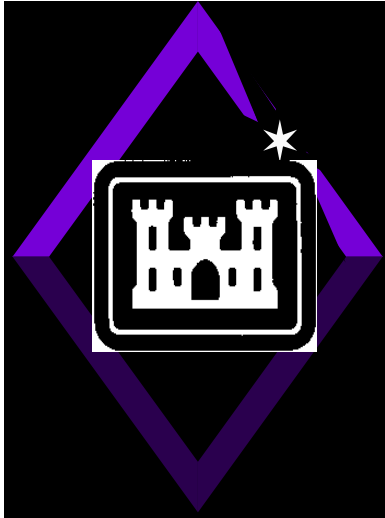
- ◆ Final Feasibility Reports - 91 Days
- ◆ Major Rehab Reports - 84 Days
- ◆ All other decision documents - 30 Days  
(LRR, GRR, Draft Feas, AFB, ex.)

For Responses to comments, targets vary



# CURRENT WORK LOADS

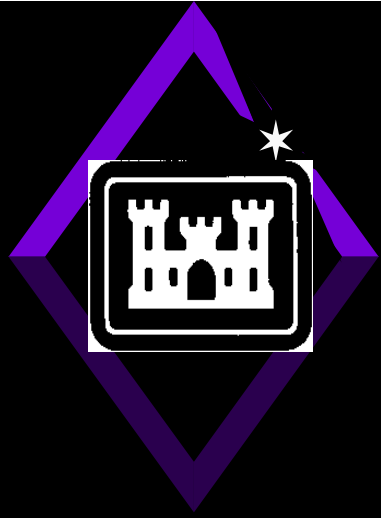
- ◆ About 300 decision document review actions  
(excludes agreements)
- ◆ Currently meeting targets about 75-80 percent  
of time



# COMMON PROBLEM AREAS

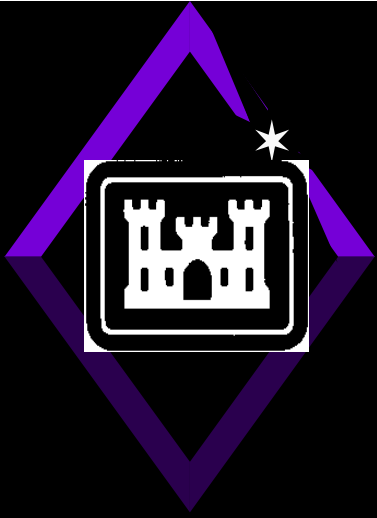
◆ ANALYSIS

◆ PROCESS



# COMMON PROBLEMS PROCESS

- ◆ Incomplete Document Packages
- ◆ Scheduling
- ◆ Poor Follow-Up
- ◆ Inconsistent Review
- ◆ Communications

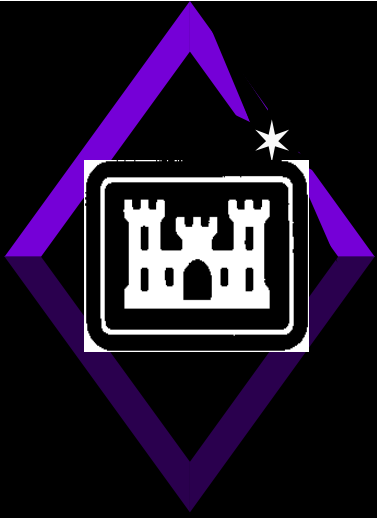


# COMMON PROBLEMS PROCESS

## Incomplete document packages

- ◆ Technical and/or Legal Review
- ◆ Insufficient Number of Copies
- ◆ No PGM Compliance Document
- ◆ Missing Enclosures

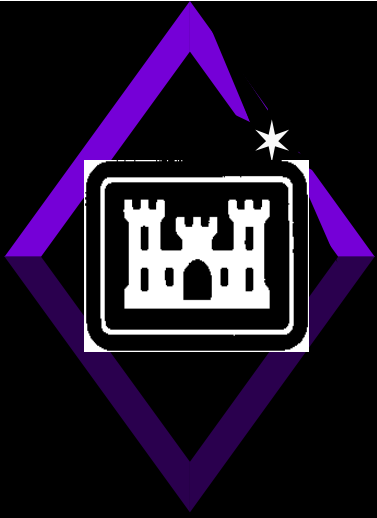




# COMMON PROBLEMS PROCESS

## Scheduling

- ◆ Insufficient Time For Review  
(Technical and Policy)
- ◆ WRDA Deadline Rushes
- ◆ Budget Submittal Dates



# COMMON PROBLEMS PROCESS

## Poor Follow-Up

- ◆ Not responding to Assessments in timely manner.
- ◆ Not following up on PGM requirements for submittal of info prior to draft release or final report.